



TIFFANY & BOSCO
P.A.

Dated: April 21, 2011

2525 EAST CAMELBACK ROAD SUITE 300
PHOENIX, ARIZONA 85016
TELEPHONE: (602) 255-6000
FACSIMILE: (602) 255-0192

A handwritten signature in black ink, appearing to read "Charles G. Case, II", is written over a horizontal line.

CHARLES G. CASE, II
U.S. Bankruptcy Judge

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant

09-22898

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

IN RE:

Scott Douglas Taylor and Tena Roseann Alonzo,
Debtors.

Wells Fargo Bank, N.A.

Movant,

vs.

Scott Douglas Taylor and Tena Roseann Alonzo,
Debtors; Russell A. Brown, Trustee.

Respondents.

No. 2:09-bk-21236-CGC

Chapter 13

**EX PARTE ORDER TERMINATING THE
AUTOMATIC STAY FOR FAILURE TO CURE
PURSUANT TO THE TERMS OF THE
ADEQUATE PROTECTION ORDER**

Pursuant to the Order entered on August 17, 2010, attached hereto as Exhibit "A", and by this reference incorporated herein, the above-referenced Debtors; were obligated to make specified payments which they have failed to make.

The Debtors have failed to comply thereby necessitating a written Notice of Default.
Attached hereto as Exhibit "B" is a copy of the Notice of Default.

1 Based on the failure to cure the contractual agreement of the parties, the prior court order and
2 good cause appearing:

3 IT IS HEREBY ORDERED that the Automatic Stay is the above-entitled Bankruptcy case is
4 immediately extinguished for all purposes as to Secured Creditor, Wells Fargo Bank, N.A. and Wells
5 Fargo Bank, N.A. may exercise whatever state law or contractual rights it may have regarding the
6 property generally described as: 3740 W. Waltann Lane Phoenix AZ 85053 ("Property" herein) and
7 legally described as:
8

9 LOT 113, COURTLAND VILLAGE II, ACCORDING TO BOOK 292 OF MAPS, PAGE 3,
10 RECORDS OF MARICOPA COUNTY, ARIZONA;

11 EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED TO
12 THE UNITED STATES IN THE PATENTS TO SAID LAND; AND

13 EXCEPT FROM THAT PART LYING WITHIN G.L.O. LOT 26, SECTION 3, TOWNSHIP 3
14 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PURSUANT
15 TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1946 (60 STAT. 755), ALL URANIUM,
16 THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE PECULIARLY ESSENTIAL TO
17 THE PRODUCTION OF FISSIONABLE MATERIALS WHETHER OR NOT OF COMMERCIAL
18 VALUE, AS RESERVED TO THE UNITED STATES IN THE PATENTS OF SAID LAND.
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20 IT IS FURTHER ORDERED that all conditions of the adequate protection order regarding
21 conversions are binding and are hereby affirmed in this Order as well.
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Exhibit "A"



TIFFANY & BOSCO
P.A.

Dated: August 17, 2010

2525 E. CAMELBACK ROAD
SUITE 300

PHOENIX, ARIZONA 85016

TELEPHONE: (602) 255-6000

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Respondents.

No. 2:09-bk-21236-CGC

Chapter 13

(Related to Docket #19)

**ORDER REGARDING
MOTION FOR RELIEF**

IT IS HEREBY ORDERED by and between the parties herein, through counsel undersigned,
that all stays and injunctions, including the automatic stays under U.S. Bankruptcy Code Section
362(a), are hereby vacated with respect to the real property which is the subject of the Deed of Trust
recorded in the records of the Maricopa County, Arizona Recorder's Office, wherein Scott Douglas

Taylor and Tena Roseann Alonzo, are designated as trustors and Wells Fargo Bank, N.A. is the current beneficiary, which Deed of Trust encumbers the following described real property:

LOT 113, COURTLAND VILLAGE II, ACCORDING TO BOOK 292 OF MAPS, PAGE 3, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED TO THE UNITED STATES IN THE PATENTS TO SAID LAND; AND

EXCEPT FROM THAT PART LYING WITHIN G.L.O. LOT 26, SECTION 3, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PURSUANT TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1946 (60 STAT. 755), ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS WHETHER OR NOT OF COMMERCIAL VALUE, AS RESERVED TO THE UNITED STATES IN THE PATENTS OF SAID LAND.

IT IS FURTHER ORDERED that the debtors will cure the post-petition arrearages currently due as follows:

4 Monthly Payments(s) at \$1,081.37 (May 1, 2010 - August 1, 2010)	\$4,325.48
4 Late Charge(s) at \$43.25 (May 1, 2010 - August 1, 2010)	\$173.00
Motion for Relief Filing Fee	\$150.00
Attorneys Fees	\$800.00
Total	\$5,448.48

1. The total arrearage shall be paid in six monthly installments. Payments one through five (1-5) in the amount of \$ 908.08 shall be in addition to the regular monthly payment and shall be due on or before the 15th day of the month commencing with the August 15, 2010 payment and continuing throughout and concluding on or before December 15, 2010. The sixth final payment in the amount of \$ 908.08 shall be paid on or before January 15, 2011.

1 2. In addition to the payment listed in Paragraph 1, the Debtors, will make the regular
2 post-petition payment due for September 1, 2010, which shall be made when due, and all subsequent
3 payments shall be made when due.

4 IT IS FURTHER ORDERED that Wells Fargo Bank, N.A. as the current beneficiary under
5 the above described Deed of Trust agrees not to conduct a Trustee's Sale or judicial "foreclosure" on
6 its Deed of Trust, so long as the terms of this ORDER are complied with. In the event of default in
7 making any payments described herein Secured Creditor is permitted, in its discretion, to conduct a
8 Trustee's Sale, judicial foreclosure, or take whatever other actions necessary to protect their interest
9 in the above legally described property upon giving written notice of such default to debtors, Debtors'
10 Counsel and Trustee and Debtors' failure to cure such default within fifteen (15) days of the date of
11 such notice. In the event said default is not cured within said fifteen (15) day period, all arrearages,
12 both pre-petition and post-petition shall become immediately due and payable in full and pre-petition
13 arrearages shall not continue to be payable under the terms of the Plan.
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15 IT IS FURTHER ORDERED that if a default notice becomes necessary, Debtors will be
16 charged \$150.00 for fees and costs associated with handling the curing of the default, to be paid
17 together with the defaulted payment and late charge. Debtors shall tender the default payment, late
18 charge and the additional \$150.00 fee for attorney's fees and costs, as set forth above, in the form of a
19 cashier's check or money order, made payable to Movant. If the defaulted payments are not received
20 by Movant, together with the late charge and the \$150.00 default fee, within fifteen days after the
21 default notice was sent, all arrearages, both pre-petition and post-petition shall become immediately
22 due and payable in full and pre-petition arrearages shall not continue to be payable under the terms of
23 the plan.
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1 IT IS FURTHER ORDERED that if Debtor' Bankruptcy Case No. 2:09-bk-21236-CGC is
2 dismissed, either voluntary or involuntary, for any reason, this ORDER will become null and void
3 and Wells Fargo Bank, N.A., and after such dismissal, may, in its discretion, conduct a Trustee's Sale
4 or judicial "foreclosure" on its Deed of Trust or take whatever other actions necessary to protect their
5 interest in the above legally described property.

6 IT IS FURTHER ORDERED that in the event of conversion by the Debtor to any other
7 bankruptcy chapter, the repayment portion of this Order shall become null and void, except that the
8 portion of this Order vacating the automatic stay under U.S. Bankruptcy Code Section 362 (a) shall
9 remain in full force and effect.
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11 IT IS FURTHER ORDERED that any hearings scheduled in the matter are vacated.
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Notice Recipients

District/Off: 0970-2
Case: 2:09-bk-21236-CGC

User: learys
Form ID: pdf004

Date Created: 8/18/2010
Total: 7

Recipients of Notice of Electronic Filing:

tr	RUSSELL BROWN	
aty	AMANDA ELIZABETH NELSON	amandan@phillipslaw.ws
aty	MARK 2 BOSCO	ecf@tblaw.com
aty	ROBERT 4 BEUCLER	robertb@phillipslaw.ws
aty	ROBERT R. TEAGUE	robertt@phillipslaw.ws

TOTAL: 5

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	SCOTT DOUGLAS TAYLOR	3740 W. WALTANN LN	PHOENIX, AZ 85053
jdb	TENA ROSEANN ALONZO	3740 W. WALTANN LN	PHOENIX, AZ 85053

TOTAL: 2

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:

Case No.: 2:09-bk-21236-CGC

SCOTT DOUGLAS TAYLOR
3740 W. WALTANN LN
PHOENIX, AZ 85053
SSAN: xxx-xx-5117
EIN:

Chapter: 13

TENA ROSEANN ALONZO
aka TENA ROSEANN MILLS ALONZO
aka TENA M ALONZO
3740 W. WALTANN LN
PHOENIX, AZ 85053
SSAN: xxx-xx-1838
EIN:

Debtor(s)

NOTICE OF ENTRY OF JUDGMENT OR ORDER

You are hereby notified that on August 18, 2010, this Court entered the enclosed judgment or order on the docket for the above-entitled proceeding.

I hereby certify that on this date a copy of this notice and the judgment or order were sent to the Bankruptcy Noticing Center for mailing to the parties and the U.S. Trustee.

Date: August 18, 2010

Address of the Bankruptcy Clerk's Office:

U.S. Bankruptcy Court, Arizona
230 North First Avenue, Suite 101
Phoenix, AZ 85003-1727
Telephone number: (602) 682-4000
www.azb.uscourts.gov

Clerk of the Bankruptcy Court:

Brian D. Karth

Notice Recipients

District/Off: 0970-2
Case: 2:09-bk-21236-CGC

User: learys
Form ID: ntentry

Date Created: 8/18/2010
Total: 7

Recipients of Notice of Electronic Filing:

tr	RUSSELL BROWN	
aty	AMANDA ELIZABETH NELSON	amandan@phillipslaw.ws
aty	MARK 2 BOSCO	ecf@tblaw.com
aty	ROBERT 4 BEUCLER	robertb@phillipslaw.ws
aty	ROBERT R. TEAGUE	robertt@phillipslaw.ws

TOTAL: 5

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jdb	TENA ROSEANN ALONZO	3740 W. WALTANN LN	PHOENIX, AZ 85053

TOTAL: 2

EXHIBIT B

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Respondents.

No. 2:09-bk-21236-CGC

Chapter 13

NOTICE OF DEFAULT

RE: Real Property Located at
3740 W. Waltann Lane
Phoenix, AZ 85053

Wells Fargo Bank, N.A. secured creditor, (hereinafter referred to as "Secured Creditor"), by its attorneys TIFFANY & BOSCO, P.A., hereby files this Notice of Default in the above-captioned case, and avers as follows:

1. An Order was entered on August 17, 2010 which provides for the lifting of the stay imposed by Section 362(a) of the U.S. Bankruptcy Code with respect to that certain Deed of Trust

recorded in the records of the Maricopa County, Arizona Recorder's Office, which encumbers the following real property:

LOT 113, COURTLAND VILLAGE II, ACCORDING TO BOOK 292 OF MAPS, PAGE 3, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT ALL COAL, OIL, GAS AND OTHER MINERAL DEPOSITS AS RESERVED TO THE UNITED STATES IN THE PATENTS TO SAID LAND; AND

EXCEPT FROM THAT PART LYING WITHIN G.L.O. LOT 26, SECTION 3, TOWNSHIP 3 NORTH, RANGE 2 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PURSUANT TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1946 (60 STAT. 755), ALL URANIUM, THORIUM OR ANY OTHER MATERIAL WHICH IS OR MAY BE PECULIARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS WHETHER OR NOT OF COMMERCIAL VALUE, AS RESERVED TO THE UNITED STATES IN THE PATENTS OF SAID LAND.

A Copy of said Order is attached hereto as Exhibit "A".

2. As of the date of this Notice of Default, the Debtors have not made the payments as required by the aforementioned Order. The Debtors are presently past due as follows:

2 Monthly Payments(s) at \$1,068.29 (March 1, 2011 – April 1, 2011)	\$2,136.58
1 Late Charge(s) at \$42.73 (March 15, 2011 – March 15, 2011)	\$42.73
Attorneys Fees	\$150.00
Total	\$2,329.31

PARTIAL TENDERS WILL NOT BE ACCEPTED

3. Notice is hereby given to the Bankruptcy Court, Debtors, counsel for Debtors, and Trustee, that unless debtor' default under the terms of the Stipulation and Order is cured not later than fifteen (15) days from date of this Notice, that Movant will proceed, pursuant to the Court's Order lifting

1 the stay, to conduct a Trustee's Sale or mortgage foreclosure, in its discretion, with respect to the above-
2 described Deed of Trust.

3 DATED this 4th day of April, 2011.

4 TIFFANY & BOSCO, P.A.

5 By /s/ LJM # 014228

6 Mark S. Bosco

7 Leonard J. McDonald

8 2525 East Camelback Road

9 Suite 300

10 Phoenix, Arizona 850165

11 Attorneys for Movant

12 *If the Debtor cures the default prior to the date of expiration this amount may be different.
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